



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

July 7, 2011

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From: William T Fujioka
Chief Executive Officer 

SACRAMENTO UPDATE

This memorandum contains a pursuit of County position on legislation to amend the Los Angeles Memorial Coliseum lease agreement between the Coliseum Commission and the California Science Center; an update on two County-sponsored bills to: 1) allow reimbursement of Federal matching funds for medical treatment of minors who are hospitalized outside of a county's detention facility; and 2) authorize a probation officer to consent to non-emergency medical care, under specified conditions, for detained minors; a status on six County-advocacy measures; and an update on County-interest legislation that would create a community services district in the unincorporated area of the county which was previously a statutorily disincorporated city.

Pursuit of County Position on Legislation

SB 415 (Wright), which as amended on June 27, 2011, would: 1) require the California Science Center (CSC) to become the successor lessor in the lease between CSC and the Los Angeles Memorial Coliseum Commission (LAMCC) and to quit and surrender the leased premises to CSC should LAMCC fail to perform under, or abide by any of the terms and conditions of the lease; and 2) allow an ex-officio member of LAMCC to be present in closed session meetings of the LAMCC. The bill states that the Legislature finds and declares that the mismanagement of LAMCC and the lack of responsible oversight has placed LAMCC in a precarious financial and contractual position and that there is a clear need for an independent audit of the operations and financial dealings of

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LAMCC. The bill also cites that it is the intent of the Legislature to pursue an appropriate investigation and review of the financial operations, procedures, and financial dealings of LAMCC.

The Los Angeles Memorial Coliseum Commission was created pursuant to State law through a Joint Powers Agreement (JPA) with the County of Los Angeles, the City of Los Angeles, and the California Science Center. Under the existing JPA, the LAMCC consists of nine members appointed as follows: 1) three members by and from the membership of the Los Angeles County Board of Supervisors; 2) one member from the membership of the Los Angeles City Council appointed by the President of the Council; 3) two members appointed by and from the City of Los Angeles Recreation and Parks Commission; and 3) three members appointed by the Governor on behalf of CSC. The LAMCC leases from CSC the land in Exposition Park upon which the Los Angeles Memorial Coliseum and the Sports Arena are located.

County Counsel indicates that SB 415, as it purports to unilaterally amend the Coliseum lease between LAMCC and CSC, would be invalid and unconstitutional in several significant respects. These would include: 1) an unreasonable and invalid interference with the contractual rights and relationships of LAMCC, which is independently created and non-tax supported, in violation of Article I, section 9 of the California Constitution; 2) an unenforceable encroachment on the municipal affairs of the City of Los Angeles and the County of Los Angeles, acting through LAMCC, in violation of Article XI, section 3, 4, 5 and 7 of the California Constitution; and 3) special legislation affecting only one entity, LAMCC, in violation of Article IV, section 16 of the California Constitution.

Additionally, County Counsel indicates that LAMCC has never acknowledged the validity of, nor complied with, Government Code section 8300, which purports to require amendment of the JPA to provide for appointment of two State Legislators as ex-officio, non-voting members of LAMCC and, therefore, the bill's proposed amendment of section 8300 to allow ex-officio members, to attend closed sessions or otherwise have access to confidential information or records of LAMCC is also invalid. While the JPA has been amended several times by the parties with regard to appointment of members on behalf of the CSC, it has never been amended to place State Legislators on LAMCC. Various members of the Assembly and/or Senate have been appointed from time to time since 1981 and have occasionally attended LAMCC meetings, being allowed to participate in LAMCC meetings under public comment on specific agenda items or matters generally within the jurisdiction of LAMCC.

According to County Counsel, allowing such persons to attend closed sessions and have access to confidential information or records of LAMCC, would be legally invalid and unconstitutional as: 1) an unreasonable interference with the contractual rights and

relationships of the City and County, which are constitutionally authorized and established independent charter entities, in violation of Article I, section 9 of the California Constitution; 2) an unenforceable encroachment on the municipal affairs of the City of Los Angeles and the County of Los Angeles, in violation of Article XI, section 3, 4, 5 and 7 of the California Constitution; and 3) special legislation affecting only one entity, LAMCC, in violation of Article IV, section 16 of the California Constitution.

County Counsel and this office oppose SB 415. Therefore, consistent with existing Board policy to oppose any abridgement or elimination of the Board of Supervisors' powers and duties unless the change promotes a higher priority of the Board, **the Sacramento advocates will oppose SB 415.**

In the past, the County opposed SB 29 of 2009, which would have eliminated LAMCC and required the sale of the parcel of property the Coliseum and/or Sports Arena occupy; and also opposed SB 1060 of 2008, AB 261 of 2001, and AB 260 of 1999, which would have terminated LAMCC and created a new State-controlled agency to assume management and control of Exposition Park, including the Los Angeles Memorial Coliseum and the Sports Arena.

Support and opposition to SB 415 is currently unknown. This measure is currently in the Assembly Business, Professions and Consumer Protection Committee awaiting a hearing date.

Status of County-Sponsored Legislation

County-sponsored AB 396 (Mitchell), which as amended May 12, 2011, would allow counties to obtain Federal matching funds to reimburse them for the medical treatment for minors who are hospitalized and outside of the County's detention facility for more than 24-hours, passed the Senate Public Safety Committee by a vote 7 to 0 on July 5, 2011. This measure is scheduled for a hearing in the Senate Appropriations Committee on August 15, 2011.

County-sponsored SB 913 (Pavley), which as amended June 27, 2011, would authorize a probation officer to consent to non-emergency medical care, under specified conditions, for detained minors if the parent or legal guardian cannot be located, passed the Assembly Public Safety Committee by a vote of 7 to 0 on July 5, 2011. This measure now proceeds to the Assembly Floor.

Status of County-Advocacy Legislation

County-opposed-unless-amended AB 6 (Fuentes), which as amended on April 12, 2011, would eliminate the Statewide Fingerprint Imaging System (SFIS) for cash assistance programs, change CalWORKs and CalFresh reporting requirements from a quarterly to a semi-annual reporting period, and establish a utility assistance initiative for CalFresh beneficiaries, passed the Senate Human Services Committee by a vote of 4 to 0 on June 28, 2011. This measure is set for hearing in the Senate Appropriations Committee on August 15, 2011.

County-opposed AB 455 (Campos), which as amended on March 31, 2011, would require half of the members of a local personnel or merit commission to be nominated by the largest recognized employee organization, passed the Senate Floor by a vote of 23 to 14, with 3 abstentions, on July 5, 2011. This measure now proceeds to the Governor.

County-supported AB 1066 (J. Pérez), which as amended June 15, 2011, would make various technical and conforming changes to implement the Special Terms and Conditions required by the Centers for Medicare and Medicaid Services for California's recently enacted 1115 Medicaid Waiver, passed the Senate by a vote of 39 to 0 on July 5, 2011. This measure now proceeds to the Assembly for concurrence in Senate amendments.

County-opposed AB 1155 (Alejo), which would prohibit the considerations of a number of factors such as age and genetic characteristics when determining the allocation of disability benefits to an employee filing a workers' compensation claim, passed the Senate Labor and Industrial Relations Committee, as amended, by a vote of 5 to 1 on July 6, 2011. According to the Legislative Counsel, this bill would have no fiscal impact to the State.

The amendments taken in Committee are not in print yet. When they become available, this office will review them for County impact. This measure now proceeds to the Senate Floor.

County-supported SB 33 (Simitian), which as amended on June 15, 2011, would repeal the January 1, 2013 sunset date and make permanent provisions established by SB 1018, (Chapter 140, Statutes of 2005), that expanded the scope of the Elder and Dependent Adult Reporting Act to include officers and employees of financial institutions as mandated reporters of financial abuse of an elder or dependent adult, passed the Assembly Public Safety Committee by a vote of 7 to 0 on July 5, 2011. This measure now proceeds to the Assembly Floor.

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County-supported SB 746 (Lieu), which as amended March 22, 2011, would prohibit minors under 18 years of age from utilizing ultraviolet (UV) tanning devices, and would eliminate the option for parents to provide consent for their minor children over the age of 14 to use UV tanning devices, passed the Assembly Business, Professions, and Consumer Protections Committee by a vote of 6 to 1 on July 5, 2011. This measure now proceeds to the Assembly Appropriations Committee.

Legislation of County Interest

AB 781 (J. Pérez), which would create a community services district in the unincorporated area of the county which was previously a statutorily disincorporated city, passed the Senate Governance and Finance Committee, as amended, by a vote of 5 to 3 on July 6, 2011. This measure now proceeds to Senate Appropriations Committee.

The operation of AB 781 is contingent upon the enactment of **County-supported AB 46 (J. Pérez)**, which, with exceptions, would provide for the disincorporation of every city with a population of less than 150 people as of January 1, 2010, into that city's respective county as of 91 days after the effective date of the bill.

We will continue to keep you advised.

WTF:RA
MR:IGEA:lm

c: All Department Heads
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